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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
6

7 AMERICAN RELIABLE INSURANCE CO.,)
8)

9 Plaintiff,)

10 vs.)

11 WILLIAM RODRIGUEZ et al.,)
12)

13 Defendants.)
14)

3:17-cv-00740-RCJ-WGC

ORDER

15 This case arises out of a dispute over the duty of an insurer to defend a lawsuit.

16 **I. FACTS AND PROCEDURAL HISTORY**

17 In 2017, Defendant Gaetan Pelletier sued, *inter alios*, Defendants William and Judy
18 Rodriguez in this District (Case No. 3:17-cv-642-MMD) for breach of contract, fraud, and other
19 claims related to the sale of the Clover Valley Ranch (“the Pelletier Action”). (Compl. ¶¶ 11–12,
20 ECF No. 1). Plaintiff American Reliable Insurance Co. (“ARIC”) has been defending the
21 Pelletier Action under a reservation of rights and has now separately sued the Rodriguezes,
22 Pelletier, and Pelletier RE Investments, LLC (“PRE LLC”) in this Court for a declaration that it
23 has no duty to defend the Pelletier Action. Plaintiff has moved for offensive summary judgment.

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Before the Court addresses the merits, it must require Plaintiff to make a more definite statement of subject-matter jurisdiction. *Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012) (“When a requirement goes to subject-matter jurisdiction, courts are obligated to consider *sua sponte* issues that the parties have disclaimed or have not presented.”). Plaintiff alleges that it is an Arizona corporation with its principal place of business in that state, that the individual Defendants variously reside in Nevada and California, and that PRE LLC is “a Colorado corporation, with its principal place of business in Colorado Springs, Colorado.” As an unincorporated association, however, PRE LLC’s place of incorporation and principal place of business are inapposite to diversity. Only the citizenships of its members matter, *Johnson v. Colombia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006), and Plaintiff has not alleged PRE LLC’s members or their citizenships.¹

IT IS HEREBY ORDERED that Plaintiff shall make a more definite statement of jurisdiction within twenty-eight (28) days. Defendant Pelletier RE Investments, LLC shall comply with all discovery requests relevant to establishing the citizenships of its members.

Dated this 19th day of June, 2018.

1 And when a member or partner of an unincorporated association is itself an unincorporated association, the citizenships of that association's members or partners must also be alleged, etc. *E.g.*, *Guar. Nat'l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 59 (7th Cir. 1996).